

## The United States Federal District Court

For Portland, Oregon 97204

The Petition for Writ of Habeas  
Corpus, of:  
Rashad Q. Sanders  
MCIJ 11540 N.E. Inverness Drive  
Portland, Oregon 97220

FILED 20 JAN '12 11:03 USDC-ORP

Petitioner

v.

Dan Staton - Sheriff  
Multnomah County Commissioner's  
Bldg, Suite 350  
501 S.E. Hawthorn Blvd  
Portland, Oregon 97214

Respondant ) Court No 11-CR-385-HZ

To: Dan Staton - Sheriff  
Multnomah County Comm.  
Bldg, Suite 350  
501 S.E. Hawthorn Blvd  
Portland, Oregon 97214

- Pre-Trial -  
The Petition For Writ of  
Habeas Corpus  
Title 28 U.S. C. 2255  
Dismissal of Indictment  
(with Prejudice), Order of  
Immediate Release

To: The Clerk of Court  
The United States Federal District  
Court  
1000 S.W. 1st Ave, Suite 740  
Portland, Oregon 97204

Jurisdiction

1. Pursuant, to, title 28 U.S.C. 2255, this United States  
Federal District Court, has jurisdiction over the subject matter

2. The petitioner states he is unlawfully confined and or imprisoned,  
at MCIJ 11540 N.E. Inverness Drive, Portland, Oregon 97220, Dan Stanton-  
sheriff of Multnomah County - Oregon State, jail system, deprived of the  
liberty interest due process of the 14th Amend. U.S. Constitution as  
[as stipulated below]

Pa1-Petition For Writ of Habeas  
Corpus, of: Rashad Q. Sanders  
Dismiss of Indictment (with  
Prejudice)-Order of Immediate  
Release (Title 28 U.S.C. 2255

Rashad Sanders  
Signature:  
Pro Se: Rashad Q. Sanders  
MCIJ 11540 N.E. Inverness Drive  
Portland, Oregon 97220

Petitioner  
Exhibit 1A

Table of Contents

I. Table of Authority	<u>Pages</u>
a) Table of Citations.....	2b,
b) Table of Statute.....	2b,
c) Other.....	2b,
II Arguments:.....	2, 3b, 7b,
III Conclusions.....	3,
IV Reliefs.....	3,
V Appendix.....	

I

Through word shall therein, (with plain ordinary language) Title 18 U.S.C. 3161(b), has liberty interest, due process of the 14th Amend U.S. Constitutional, element, of:

"Nor shall any state deprive any person of life, liberty, or property without due process of law,

clause, citing, Babb v. Mid Century, 110 Or Appl 69, 821 P.2d 424 (1990), citing, Stanley v. Mueller, 211 Or 198, 315 P.2d 125, 71 A.L.R. 2d 715 (Or 1957), compared, with, Oviatt v. Pearce 954 F.2d 1470 (9th Cir 1992), at, 1474-1475, mandates (without discretion), (to the courts), to, order dismissal of indictment, (with prejudice), U.S. v. Jorn, 91 S.Ct 547 (1971), and, the immediate release of the defendant, when it finds, the prosecution, did not file a, (information, or indictment), (with the commission of a offense), within 30-days of the defendants, arrest, date, of: 19 August 2011, or served with a summons, (in connections with the charges)

1. Title 18 U.S.C. 3161(b) provides in part:

"(b) Any information or indictment charging an individual with the commission of an offense shall be filed within 30-days from the date on which such individual was arrested or served with a summons in connection with such charges.

2. The 14th Admendent U.S. Con provides in part:

"Nor shall any State deprive any person of life, liberty, or property, without due process of law;

Pg 2B-The Petition For Writ of Habeas Corpus, of:  
Rashad Q. Sanders  
)Brief In Support

Rashad Sanders  
Signature:

Rashad Q. Sanders

MCIJ 11540 N.E. Inverness Dr.  
Portland, Oregon 97220

Petitioners'  
Exhibit 1A

(Pg 2B of 4A )

(pg 2A of 4A]

Facts

5. On or about 19 August 2011, petitioner Rashad Q Sanders, [swiss no 657412] was duly arrested and confined in MCIJ 11540 N.E. Inverness Drive Portland, Oregon 97204 by Portland Police Officer [redacted] [DPSST 25063], and on the 22 day of August 2011, provided state charges, that was resolved 13th of October 2011, and was scheduled to be released on 5th of November 2011 but, was released November 4th 2011, (on paper only, however), not physically released) [SEE Exhibit 4A, 5A]

6. On or about 28th September 2011 1647 hours Asst. Attorney General Kemp Strickland [osb 96118] found a indictment [by the grand jury], charging defendant of 1 count of Transporting A Minor, title 18 U.S.C. section 2423(a) and 1 count of Transporting of a minor, title 18 U.S.C. section 2423 (a) and 1-count of Sex Trafficking of a Minor, title 18 U.S.C. 1591 (a) and (b) [ see defendant exhibit 2A Indictment dated 28 Sep 11]

7. On the 4th day of November 2011, defendant was arraigned [as first appearance title 18 U.S.C.] 40 days later [ from original arrest date of 19 August 2011, [ see defendant exhibit 5A ] and 4A, Multnomah County Sheriff office property money receipt ledger] dated this, 9 August 2011, and 70 days, [later], from original date, [of Indictment] of, 28th September 2011 [ violating title 18 U.S.C. 3161(b) ] [see defendants exhibit 2A-1 brief in support of petition for writ of Habeas Corpus argument 1]

8. On the 29th September 2011, the district court issued a warrant, of arrest, of defendant, [already in custody], [ 11540 N.E. Inverness Jail Portland, Oregon 97220 ] county jail system, [since 19 August 2011] see exhibit [ Multnomah County Sheriff office property money receipt ledger dated 19 August 2011 no A/0805 ] compare with exhibit 3b [arrest warrant], with exhibit 5b defendant's docket text

9. On the 7th day of December 2011, [70-days from the filing date] , of, [defendant's indictment, dated, 28th September 2011] defendant's trial did NOT commence [within time limit] of 70-day [ in violation of title 18 U.S.C. 3161(c)(1) [time limit] from, the filing date, of, 28 Sept 2011.

10. WHEREFORE the district court [and or the plaintiff] failed to indict defendant within 30 days of his arrest [ with, title 18 U.S.C. 3161(b) ], and failed to commence trial within 70-days of defendant [indictment] [and public] [title 18 U.S.C. 3161(c)(1)] then, under the mandate, therein and, or, the liberty interest, due process of the 14th Amendment U.S. Constitution, Element, of,

Nor shall any state deprive any person of life, liberty, or property without due process of law

clause, compare, Babb v. Mid Century supra Oviatt v. Pearce 954 F.2d 1470 [9th cir 1992] at 1474 this, [United State Federal District Court], is ordering that, defendant Rashad Q Sanders, be released from confinement, without bail, bond, or security, thereof

Pg 3-Petition For Writ of Habeas Corpus, of: Rashad Q. Sanders

Rashad Sanders  
Signature:  
Rashad Q. Sanders  
SWISS 657412  
MCIJ 11540 N.E. Inverness Drive  
Portland, Oregon 97220

Petitioner's  
Exhibit 1A

Pursuant to Dickerson v. Wainwright,  
626 F.2d 1184 (1980), state under,  
penalty of perjury, that, the above  
statements are SWORN TRUE AND CORRECT,  
TO THE BEST OF MY KNOWLEDGE AND OR  
BELIEFS:

Done this \_\_\_\_\_ day  
of \_\_\_\_\_ 2011.

Rashad Sanders  
Signature:

Rashad Q. Sanders  
MCIJ 11540 N.E. Inverness Dr.  
Portland, Oregon 97220

Richard J. Chandler  
Witness:

Richard J. Chandler SWISS 153713  
MCIJ 11540 N. E. Inverness Drive  
Portland, Oregon 97220

#### Addendum

11. Pursuant to Title 28 U.S.C. 2255, Teague holding that caselaw announcing new rules is generally not retroactively applicable to cases on collateral review, applies to federal prisoner's actions for collateral review of sentence 28 U.S.C. § 2255

12. The defendant/petitioner adds a additional prayer, that this court will order a Writ of Habeas Corpus, (be granted), and the sheriff file a of return within 24 hours, (of reasonable receipt of this Petition) and (Brief in Support), and within 72 hours, file a order to show cause, why this writ shall not be granted, and this court will order the dismissal of the indictment (with prejudice) and a order of immediate release of the defendant, without bail, bond, or security thereof.

13. Pursuant to Dickerson v. Wainwright,  
626 F.2d 1184 (1980), state, that  
the above, is sworn TRUE AND CORRECT  
TO THE BEST OF MY KNOWLEDGE AND OR  
Belief: Done This 16 day  
of JANUARY 2012

Pg4-Petition For Writ of Habeas  
Corpus

Rashad Sanders  
Signature:

Pro Se: Rashad Q. Sanders  
MCIJ 11540 N.E. Inverness Dr.  
Portland, Oregon 97220

Petitioner's

Exhibit 1A